

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

SECOND AMENDMENT ARMS (a d/b/a of R. Joseph Franzese), R. JOSEPH FRANZESE, individually and d/b/a SECOND AMENDMENT ARMS, and TONY KOLE,

Plaintiffs,

V.

CITY OF CHICAGO, a municipal corporation, )  
 RAHM EMANUEL, in his official capacity as )  
 Mayor of the City of Chicago, GARRY )  
 McCARTHY, Superintendent of Police of the City )  
 of Chicago, and SUSANA MENDOZA, City Clerk )  
 of the City of Chicago, )

Defendants.

Case No: 1:10-CV-4257

Hon. Robert M. Dow, Jr.  
U.S. District Court Judge

Hon. Sheila M. Finnegan  
U.S. Magistrate Judge

**MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO MOTION FOR  
SUMMARY JUDGMENT  
AND  
LOCAL RULE 7.1 MOTION TO FILE BRIEF IN EXCESS OF FIFTEEN PAGES**

NOW COME the Plaintiffs, Second Amendment Arms (a d/b/a of R. Joseph Franzese), R. Joseph Franzese, individually and d/b/a Second Amendment Arms, and Tony Kole, by and through undersigned counsel, and move this Honorable Court to grant Plaintiffs an extension of time to file their Response to Defendants' Motion for Summary Judgment. In support thereof, Plaintiffs state as follows:

1. This action alleges violations of the Plaintiffs' constitutional rights owing to certain of Defendants' past and present regulations regarding the sale of firearms in Chicago.

2. Plaintiffs filed a pending Fourth Amended Complaint, to which Defendants filed a Motion for Summary Judgment. Plaintiffs' Response is due August 19, 2019.

3. Due to Plaintiffs' counsel's caseload, including being out of state this past week in *Attaway v. Tidball*, 4:19-CV-32 (W.D.Mo), and also being out of state twice in the last month on pre-planned personal matters, Plaintiffs are unable to complete the Response by the due date, despite efforts to do so.

4. Therefore, Plaintiffs are requesting an additional 2 days, or by August 21, 2019, to file the Response to the pending Motion for Summary Judgment.

5. In addition, under Local Rule 7.1, Plaintiffs' Response Brief cannot exceed 15 pages in length without the approval of this Court. Defendants' Motion for Summary Judgment addresses two separate issues, namely: (1) Plaintiffs' claim for lost profits damages resulting from the City's 2010-2014 ban on gun stores and (2) a Second Amendment challenge to Chicago's ban on laser sights. In addition, Defendant included a *Daubert* Motion as to Plaintiff's expert damages witness. Defendants were granted leave to file a 33 page Memorandum, and did so, and Plaintiffs will be unable to respond to both arguments in 15 pages. Therefore, Plaintiffs request leave to file a Memorandum with an equal number of pages so that that they may fully respond to Defendant's arguments.

6. This Motion is not filed for dilatory purposes or for delay, but only so that Plaintiffs may fully present their arguments before the Court.

WHEREFORE, the Plaintiffs, Second Amendment Arms (a d/b/a of R. Joseph Franzese), R. Joseph Franzese, individually and d/b/a Second Amendment Arms, and Tony Kole, by and through undersigned counsel, request this Honorable Court grant them an extension of time until August 21, 2019 to file a Response to the Motion for Summary Judgment, as well as leave to file a 33 page Memorandum pursuant to L.R. 7.1, as well as any and all further relief as this Court deems appropriate, including granting Defendants until September 20, 2019 for a Reply brief.

Respectfully submitted,

/s/ David G. Sigale

Attorney for Plaintiffs

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**CERTIFICATE OF ATTORNEY AND NOTICE OF ELECTRONIC FILING**

The undersigned certifies that:

1. On August 19, 2019, the foregoing document was electronically filed with the District Court Clerk *via* CM/ECF filing system;
2. Pursuant to F.R.Civ.P. 5, the undersigned certifies that, to his best information and belief, there are no non-CM/ECF participants in this matter.

/s/ David G. Sigale  
Attorney for Plaintiffs

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